

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 14, 2000
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. Council Member Rogers absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Sister Rita Roble gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of November 7, 2000, were approved 6 to 0. (Rogers absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

UNFINISHED BUSINESS

CONDEMNATION

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES – 4931 NORTH SALINA.
(District VI)

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 0856A.

This property was before the Board of Code Standards and Appeals (BCSA) for review on July 19, 2000. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on September 12, 2000. It was deferred until the November 14, 2000 Hearing, at the request of the new owner, who purchased the property at tax sale. The deferral was granted to allow the new owner to obtain the deed to the property, and begin repairs. The Sedgwick County Sheriff's Office has confirmed that the Sheriff's Deed was picked up by the new owner on October 6, 2000 and the new owner filed it with the Register of Deeds.

The property was sold at a tax sale on July 19, 2000. The new owner is Greg Nuessen.

Taxes: The 1996, 1997, 1998, 1999 taxes are still shown as delinquent in the amount of \$2,797.93. The Sedgwick County Treasurer's office has confirmed that these will be forgiven but the new owner will be responsible for the 2000 taxes. There is a pending assessment for water, delinquent sewer and weed mowing in the amount of \$4,222.71, for which the new owner will be responsible.

Window trim has been painted on main structure, but no other repairs have been made. There is still some bulky waste and debris on the premises. The new deed has been recorded.

The new owner has been notified of the date and time of this Hearing.

Staff recommends giving 30 days to complete repairs and 14 days to pay the taxes.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --

Cole moved that that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure. Motion carried 6 to 0. (Rogers, absent)

-- carried

RESOLUTION NO. R-00-

A Resolution finding that the structure located on Lot 23, Forest Park Addition, Wichita, Sedgwick County, Kansas, commonly known as 4931 North Salina, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. (Rogers absent)

NEW BUSINESS

IRB-BOEING

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – THE BOEING COMPANY. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1116.

Since 1979, the City of Wichita has approved over \$3 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, to Boeing Commercial Airplane Group, Wichita Division “Boeing Wichita”, a division of The Boeing Company. Boeing Wichita is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$41 million, under the authority of the Letter of Intent approved November 9, 1999.

Boeing Wichita, located on both sides of Oliver Street from 31st Street South to South of 47th Street, is Kansas’ largest employer, with approximately 17,000 employees and an annual payroll slightly under \$1 billion. Boeing Wichita is engaged in manufacturing support of Boeing commercial airplanes and commercial and military aircraft modification. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new, advanced manufacturing equipment and enhancement of existing facilities. Some of the planned equipment purchases include test equipment, material handling equipment, and modification support equipment. Boeing advises the new equipment will have no adverse effect on Wichita’s ambient air quality.

Acquisition of advanced technologies and the construction of new facilities is required for Boeing Wichita to compete for commercial and military production, in addition to sustaining on-going production programs. Bond proceeds will have a substantial impact in stabilizing Boeing Wichita employment, thereby helping Wichita retain critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct cascade effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock of Omaha, Nebraska will serve as bond counsel in the transaction. The Boeing Company will purchase the Bonds, as a result of which, there is no need for an underwriter. Boeing Wichita has agreed to comply with the Standard Conditions contained in the City’s IRB Policy.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City’s \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation. Consistent with the intent of the City Council in its action approving the November 9, 1999 letter of intent, the ten-year period of exemption is to apply without a review by the Council at the five-year point. The IRB Lease document to be approved by the Bond Ordinance has been drafted accordingly. This is consistent with all discussion had at the public hearing on the item, although references to a five-year review were inadvertently included in the November 9, 1999 minutes from a superseded agenda report.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --
-- carried

Lambke moved that the public hearing be closed; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance approving and authorizing execution of a lease agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said City and BNY Trust Company of Missouri; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series VI,2000 (The Boeing Company Project) of said City in the principal amount of \$41 million for the purpose of providing funds for the acquisition, construction, reconstruction, and improvement of certain industrial and manufacturing facilities of the Boeing Commercial Airplane Group, Wichita Division, a Division of The Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative fee agreement; and authorizing the execution and delivery of certain related instruments, introduced and under the rules laid over.

LEGISLATIVE PROG. 2001 LEGISLATIVE PROGRAM.

This Item was pulled from the Agenda.

CITY COUNCIL AGENDA

NOMINATING COMM. APPOINTMENT OF MUNICIPAL JUDGE NOMINATING COMMITTEE AND NOTICE OF VACANCY.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 00-1119.

A vacancy will occur because of the recent election of one current Municipal Court Judge to the office of State District Court Judge. The vacancy will actually take place in early January, 2001, but the selection process to fill the unexpired term of the judge can be initiated now. Charter Ordinance No. 171 provides the procedure for consideration of individuals for appointment to the office of Municipal Court Judge. Under Charter Ordinance No. 171, it is necessary to appoint a Municipal Judge Nominating Commission to recommend candidates for appointment. The Nominating Commission is to be composed of two non-lawyer members appointed by the City Council and three lawyer members nominated by the Wichita Bar Association and appointed by the City Council.

The term of office for the judge position declared to be vacant expires on April 21, 2001. The person appointed to fill the vacancy will serve the unexpired term of office, or until April 21, 2001. At such time, the selection process will be started anew to fill the position for a regular four-year term of office.

Appointment of Municipal Court Nomination Commission is necessary to review the applications from persons interested in filling the vacancy. The Wichita Bar Association has been asked to provide its recommendations for lawyers to serve on the Nominating Commission for this purpose.

The pending vacancy in the office of the Municipal Court Judge position triggers the provisions of Charter Ordinance No. 171, which prescribes the process for the selection and appointment of Municipal Court Judges.

Motion --
-- carried

Pisciotta moved that a vacancy be declared in the position of Municipal Court Judge; and Dr. Biff Green, Darren Muci (non-lawyers) and Matthew Hesse, Suzanne Dwyer, and Peter Hagen, Wichita Bar Association recommendations, be appointed to the Committee. Motion carried 6 to 0. (Rogers absent)

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

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PROCLAMATIONS

PROCLAMATIONS:

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 6 to 0. (Rogers absent)

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Rogers absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 13, 2000.

Pawnee from Rock Road to Webb Road - Pawnee between Rock Road to Webb Road. (87 N-0129-01/472-83087/448-89404/706782/635608/200239/769668) Traffic to be maintained during construction using flagpersons and barricades; AND; Webb Road from Pawnee to Harry - south of Kellogg, east of Rock Road. (87 N-0126-01/472-83093/448-89404/706783/635608/200240/769668) Traffic to be maintained during construction using flagpersons and barricades. (Deferred 11/7/2000) (District II)

Ritchie Paving	
Pawnee from Rock Road to Webb Road -	\$1,809,747.97
Webb Road from Pawnee to Harry -	\$1,498,109.13
Total Bid	\$3,307,857.10

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Underground Utility Tunnel 1 Waterproofing at City Hall. (Deferred 11/6/2000) (130823)

Caro Construction Co., Inc. -	\$37,119.00
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Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

- a) Kansas Firefighter's Museum Enhancements - on Broadway, south of Bayley. (87 TE-0157-01/472-83258/792332/435303) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$47,000
- b) 2000 contract maintenance area concrete reconstruction Phase 2 - north of Central, east of Seneca. (00_132373_2/132373/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I & VI) - \$300,000
- c) 2000 contract maintenance asphalt thermal crack repair (00_132373_1/132373/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$128,500
- d) 2000 Planeview Sewer Reconstruction Phase 2 - south of Pawnee, east of Hillside. (468-83176/622229/640337) Traffic to be maintained during construction using flagpersons and barricades.(District III) - \$100,000
- e) Lateral 64, Main 9, Sanitary Sewer No. 23 to serve Comotara Industrial Park Fourth Addition - south of 37th Street North, west of Webb. (468-83053/743852/480540) Does not affect existing traffic. (District II) - \$66,360

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f) Lateral 448, Southwest Interceptor Sewer to serve Hoskinson Second Addition - south of 37th Street North, west of Ridge. (468-83090/743857/480545) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$205,000

g) Lateral 459, Southwest Interceptor Sewer to serve Cessna Addition - south of K-42 Highway, east of Ridge Road. (468-83128/743855/480543) Does not affect existing traffic. (District V) - \$173,040

h) Water distribution system to serve Cessna Addition and Caldwell Equipment Addition - south of K-42 Highway, east of Ridge Road. (448-89487/448-89054/734985/734989/470655) Does not affect existing traffic. (District V) - \$310,000

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Rogers absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

KDOT

SUPPLEMENTAL AGREEMENT – 13TH AND WACO INTERSECTION. (District VI)

Agenda Report No. 00-1120.

On June 16, 1998, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for the City to provide the construction engineering services for the 13th and Waco intersection, and for KDOT to reimburse the City for 90% of the cost with an upper limit of \$45,732.91.

At completion of the project, it was discovered that more time was required than figured in the original estimate. The City had to provide additional inspection services for days that were not anticipated when the initial Agreement was prepared.

KDOT has agreed to increase the upper limit of compensation to \$63,046.41 to reimburse the City for additional work. The Supplemental Agreement has been prepared.

Motion -- Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried
-- carried 6 to 0. (Rogers absent)

KDOT

CONSTRUCTION ENGINEERING AGREEMENT - PAWNEE, ROCK ROAD TO WEBB ROAD. (District II)

Agenda Report No. 00-1121.

The 1999 Capital Improvement Program includes widening and reconstructing Pawnee from east of Rock Road to Webb Road, which was approved by the City Council on May 19, 1998. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On August 10, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Existing and future traffic volumes and development indicate the need for a four-lane roadway. Construction is expected to begin in late fall.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$154,068.74.

Motion -- Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried
-- carried 6 to 0. (Rogers absent)

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KDOT

CONSTRUCTION ENGINEERING AGREEMENT - WEBB ROAD, PAWNEE TO HARRY. (District II)

Agenda Report No. 00-1122.

The 1999 Capital Improvement Program includes widening and reconstructing Webb Road from Pawnee to south of Harry, which was approved by the City Council on May 19, 1998. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On August 10, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Existing and future development to this area indicate the future need for a four-lane arterial pavement to replace the existing two-lane roadway. Construction is expected to begin in late fall.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$124,107.96.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT – SENECA FROM TEXAS TO MCLEAN. (District IV)

Agenda Report No. 00-1123.

On August 18, 1998, the City approved an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design Seneca Street improvement from Texas to McLean. The fee was \$62,289.

Originally, MKEC was to revise plans prepared by Larkin & Associates for the water line improvements associated with the project. MKEC was required to perform additional design work beyond what was initially contemplated. On June 22, 1999, the City Council approved Supplemental Agreement No. 1 for a fee of \$18,300.

MKEC has been asked to review corridor design and construction components along the Seneca Corridor from Kellogg to McLean and The Delano and Museum Districts affecting design. To accomplish this additional design, a supplemental agreement has been prepared.

Payment to MKEC for Supplement No. 2 will be on a lump sum basis of \$39,500, and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

RIVERSIDE PARK IMPROVEMENTS AND MODIFICATIONS. (District VI)

Agenda Report No. 00-1124.

October 19, 1999, the City Council approved the selection of an architectural firm to develop design concepts to improve Riverside Park and design new public attractions and facilities.

A Request for Proposal (RFP) was sent to Architectural/Design firms to implement the Riverside Park System Master Plan. Six Architectural/Design firms responded to the RFP: Gossen Livingston, Jones-Rice-Foster, Law/Kingdon, Inc., McCluggage VanSickle & Perry, Mesa Design Group, and Wilson Darnell Mann P.A. The Staff Screening and Selection Committee interviewed four of the six firms. Wilson Darnell Mann was selected due to their perceived understanding and adherence to the Riverside Park System Master Plan, as well as their proposal to work closely with the general public through a series of Design Charettes.

The 2000 CIP (PB-390010, OCA No. 785016) has a balance of \$500,000 budgeted for Riverside Park Improvements and Modifications. The Contract for design services, including reimbursable expenses, will not exceed \$370,000.00.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - WOODCHUCK FROM LEARJET WAY TO KELLOGG DRIVE. (District V)

Agenda Report No. 00-1125.

The City Council approved the project on October 17, 2000.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in MKEC. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$23,750, and will be paid by General Obligation Bonds, Economic Development Trust Funds and Sedgwick County.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT - PART OF SANITARY SEWER NO. 22, FROM SEWAGE TREATMENT PLANT #1 TO NORTH OF PAWNEE. (District III)

Agenda Report No. 00-1126.

On March 30, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for reconstructing an eight inch sanitary sewer, parallel to the existing sixty inch Sanitary Sewer No. 22, from the north of the STP #1 to north of Pawnee. The fee was \$15,900.

SRB has been asked to redesign the sewer line from railroad right-of-way to private property easements. A Supplemental Agreement has been prepared.

Payment to SRB for the Supplemental Agreement will be made on a lump sum basis of \$9,000. The funding source is Sewer Utility.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

MID-CONTINENT INDUSTRIAL PARK ADDITION – EAST OF MAIZE, NORTH AND SOUTH OF K-42 HIGHWAY. (District V)

Agenda Report No. 00-1127.

The City Council approved the project on August 15, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Mid-Continent Industrial Park Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$63,800, and will be paid by special assessments.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

SCHOOLS GRANT

WICHITA PUBLIC SCHOOLS GRANT.

Agenda Report No. 00-1128.

During the 1998 Legislative Session, the Wichita Public Schools sought an exemption from the payment of utility franchise fees. That legislation did not pass. At about the same time, the City did agree to provide some funding to the Wichita Public Schools in the form of a grant for the Professional Development School program for a limited period of time. The grant funding was to afford the Wichita Public School a period of time to anticipate certain franchise fees on natural gas transportation to schools, not previously included in the school budget, and to budget

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for those expenses. The City provided funding in 1999 and is requested to provide funding in 2000, in the amount of \$40,000.

The Professional Development School program is a center within an elementary or secondary school where prospective educators are taught in the "real world" setting. Curriculum, which traditionally has been taught in isolation on university campuses, is taught in the actual classroom. The 2000 grant funding will be the terminal year for City funding of this program.

It is pointed out that while the City will not be sponsoring the Professional Development School program after 2000, the City annually supports the public schools in many other areas, including \$1.2 million for the presence of Community Policing directly in the public schools in Wichita.

Funding for the grant is available in the 2000 General Fund budget.

Motion -- carried

Knight moved that the grant be approved. Motion carried 6 to 0. (Rogers absent)

BUDGET

WICHITA HOUSING AUTHORITY/SECTION 8 AND PUBLIC HOUSING BUDGET.

Agenda Report No. 00-1129.

Since 1992, the Department of Housing and Urban Development (HUD) has awarded the City of Wichita, Department of Housing Services, funding through the Comprehensive Grant Program (CGP). The 1999 CGP budget set aside \$120,000 for the WHA operating budget. This money must be shown in the 2000 WHA Budget to comply with HUD regulations. WHA insurance proceeds from a fire loss of \$70,000 for a housing unit at 1527 Catalina needs to be added to the 2000 budget. Finally, the WHA Section 8 Voucher Program needs to transfer \$49,000 from Personal Services to Contractual Services and Commodities to accommodate the renovation of WHA offices, staff relocation and increased Data Processing charges.

WHA has requested a budget revision of the 2000 operating budget to accommodate HUD requirements and the transfer of \$120,000 to the 2000 operating budget from the FFY 1999 Comprehensive Grant Program and the transfer of fire proceeds of \$70,000 to the operating budget. This will increase the Public Housing operating budget from \$2,210,794 to \$2,400,794.

WHA requests that the Section 8 Voucher personal services budget be reduced by \$49,000 and the contractual and commodities budgets increased by \$49,000. This budget transfer will cover estimated costs resulting from WHA office renovations and staff relocation. The Section 8 Voucher budget previously approved at \$7,651,881 will not change.

The changes to the budgets will only impact WHA federally funded budgets. There is no impact on the City's non-federal budget. The Finance Department has reviewed and approved the requested transfer.

Council approval is required for all budget changes of \$10,000 or more.

Motion -- carried

Knight moved that budget be approved. Motion carried 6 to 0. (Rogers absent)

WATER REPORT

CONDITION AND OPERATION REPORT – WATER & SEWER.

Agenda Report No. 00-1130.

Under the provisions of Ordinance 41-934 of the City, adopted January 26, 1993, (and the subsequent 1997 and 1999 Series Bond Ordinances) the Water & Sewer Utility is required to fulfill the requirements of the revenue bond covenant.

In 1999, the City approved a contract with R. W. Beck to prepare any bond feasibility studies needed by the Water & Sewer Utility in 1999, 2000 or 2001. A bond feasibility report was prepared by R. W. Beck in 1999, and it is anticipated that another one will be required in 2001. Much of the information required for the two reports is the same.

R. W. Beck has requested \$25,000 to prepare the triennial Condition & Operation Report. The Condition & Operation Report prepared in by Black & Veatch in 1997 cost \$77,000.

Motion -- carried

Knight moved that expenditure be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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WATER MAINS

DISTRIBUTION MAINS REPLACEMENT PROGRAM.

Agenda Report No. 00-1131.

Area water mains in the City's distribution system have aged and have become high maintenance and vulnerable to leaks. Seventy percent (70%) of the water system leaks occur in older galvanized water mains. The City's Capital Improvement Program includes funding to target the replacement of these older mains on an annual programmed basis.

The water mains to be replaced are older galvanized pipes that have experienced leakage. Replacement of these 2-inch mains with 8-inch and 6-inch mains will provide improved water and fire service to citizens and save an estimated \$6,900 per mile of maintenance costs. Two of the replacement projects that are to be funded by the 2001 budget are ready for bidding. To proceed with the bidding and contracts for construction in 2000, the budget allocation for the 2001 replacement program must be approved.

Distribution Mains Replacement (CIP W-67) is budgeted for \$4,000,000 in 2001 and will be funded from future revenue bonds and/or Water Utility cash reserves. The annual cost of maintaining water mains is expected to be reduced by \$73,000 for each year of the project.

Motion --
-- carried

Knight moved that the project expenditures for 2001 be approved; the Notice of Intent to Publish be authorized; and the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-00-394

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$4 million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 1429 SOUTH MAIZE ROAD FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 00-1132.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is located at 1429 S. Maize Road and is owned by Kenton R. Elley and Janet K. Elley. The site contains 24,700 square feet and is improved with a 2,190 square foot single-family residence. The taking involves a twenty-foot by twenty-foot the side of the property and will entail the removal of a fence, landscaping, trees, and other improvements.

The taking has been appraised for \$32,100 and the owner has agreed to sell the property for this amount.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$32,600 is requested. This includes \$32,100 for the acquisition and \$500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 7, 2000)

- a) Wichita Employees' Retirement System Ordinance Reorganization.

ORDINANCE NO. 44-812

An Ordinance of the City of Wichita, Kansas, creating Sections 2.28.050 and 2.28.121; amending Sections 2.28.010, 2.28.020, 2.28.030, 2.28.040, 2.28.060, 2.28.070, 2.28.080, 2.28.090, 2.28.100, 2.28.110, 2.28.120, 2.28.130, 2.28.140, 2.28.150, 2.28.160, 2.28.170, 2.28.180, 2.28.190, 2.28.200, 2.28.210, 2.28.220, 2.28.230, 2.28.240, 2.28.250, 2.28.260, 2.28.270, 2.28.280, 2.28.290, 2.28.300, and repealing the originals of said Sections and repealing Sections 2.28.005, 2.28.085, 2.28.087, 2.28.135, 2.28.225, 2.28.245, 2.28.265, 2.28.310, 2.28.310, 2.28.330, 2.28.335, 2.28.340, 2.28.350, 2.28.360, 2.28.370, 2.28.380, 2.28.500, 2.28.510, 2.28.520, 2.28.530, 2.28.540, 2.28.550, 2.28.560, 2.28.570, 2.28.580, 2.28.585, 2.28.590, 2.28.600, 2.28.610; all pertaining to the Wichita Employee's Retirement System, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Prohibiting liquor stores in certain zoning districts.

ORDINANCE NO. 44-813

An Ordinance amending Section 4.04.020 of the Code of the City of Wichita, Kansas, pertaining to alcoholic liquor and certain sales, etc. at retail prohibited and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Charitable solicitation.

ORDINANCE NO. 44-814

An Ordinance amending Section 11.44.050 of the Code of the City of Wichita, Kansas, pertaining to the prohibition against solicitation of rides, business or contributions on a roadway, and the exceptions thereto; and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Weed cutting.

ORDINANCE NO. 44-815

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- e) ZON2000-00042 - located on the south side of Douglas approximately 125 feet west of Washington - 917 East Douglas. (District I)

ORDINANCE NO. 44-816

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00042

PLANNING AGENDA

Dale Miller

Planning Department stated that all Items could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- carried

Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 6 to 0. (Rogers absent)

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VAC2000-00037

VAC2000-00037 – VACATE 20-FOOT UTILITY EASEMENT GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF WOODCHUCK - 810 WEST KELLOGG. (District V)

Agenda Report No. 00-1133.

Staff Recommendation: Approve vacation of 20-foot utility easement.
MAPC Recommendation: Approve vacation of 20-foot utility easement. (unanimous)

The applicants are requesting to vacate a 20-foot utility easement for the construction of a storage building and a parking lot. This easement runs along the shared boundary lines of Lots 6 and 7 to the north and Lot 2 to the south of the Carriage House Plaza Addition. All three lots are under the same ownership and the Applicant proposes to utilize the existing easement as buildable land.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant submitting a restrictive covenant that ties together Lots 2, 6 and 7 "pursuant to the MAPC hearing, the required restrictive covenant has been provided." No written protests have been filed.

Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

VAC2000-00038

VAC2000-00038 – VACATE BUILDING SETBACK LOCATED AT THE SOUTHWEST CORNER OF LYNNWOOD AND MONTBELLA. (District II)

Agenda Report No. 00-1134.

Staff Recommendation: Approve vacation of building setback.
MAPC Recommendation: Approve vacation of building setback. (unanimous)

The applicants are requesting to vacate 10 feet of a 25-foot building setback for the construction of a single-family dwelling. Approval of this vacation also reduces the zoning setback for this portion of the lot from 20 to 15 feet. A variance approved by the Board of Zoning Appeals is not required (per UZC Section III-E.2e.(4)).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant maintaining a 25-foot building setback along the northern line of the property, and a restrictive covenant be provided by the applicant specifying development of the property in general conformance with the approved site plan. No written protests have been filed. Pursuant to the MAPC hearing, the required restrictive covenant has been provided.

Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

S/D 00-09

S/D 00-09 – PLAT OF AUBURN HILLS TWELFTH ADDITION LOCATED WEST OF 135TH STREET WEST, ON THE SOUTH SIDE OF MAPLE. (District V)

Agenda Report No. 00-1135.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0-1)

This plat is zoned SF-6, Single-Family Residential and consists of 15 lots under the 6,000 sq. ft. minimum lot standard through the usage of Cluster Development. The reduction in lot size has been offset by the provision of permanent open space. As required by the Subdivision Regulations, a restrictive covenant was provided ensuring that the open space will not be subdivided in the future.

Petitions, all 100%, have been submitted for sanitary sewer, paving, drainage and water improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-

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foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. A temporary off-site dedication for a cul-de-sac was also provided. An emergency access easement was provided as required by City Fire Department.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions, restrictive covenants, temporary dedication and emergency access easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-00-395

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89515 (west of 135th Street West, South of Maple, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-396

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 2, Cowskin Interceptor Sewer, west of 135th Street West, South of Maple, 468-83178, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-397

Resolution of findings of advisability and Resolution authorizing (west of 135th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-398

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 544 (west of 135th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-399

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 545 (west of 135th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-400

Resolution of findings of advisability and Resolution authorizing improving of Nineiron from the south line of Maple, south to the north line of Taft Street, on Taft Street from the south line of Nineiron, west to the east line of Decker Street, and on Decker Street from the north line of alley Hi Road, north to the north line of Taft Street, Nineiron Court (Lots 1 through 9, Block A) from the east line of Nineiron, east to and including the T Intersection, and on Nineiron from the east line of Taft Street, east, south, and west to the east line of Decker Street 472-83290 (west of 135th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. Resolution of findings of advisability and Resolution authorizing (west of 135th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. R-00-401

Resolution of findings of advisability and Resolution authorizing improving of Onewood, from the east line of Onewood Place, west to the west line of the plat, Onewood Place (Lots 1 through 11, Block D, Lots 28 through 52, Block D, and Lots 1 through 21, Block E, including two cul-de-sacs (Lots 16 through 21, Block E, and Lots 7 through 11, and Lots 28 and 29, Block D, 472-83291 (west of 135th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

SUB 2000-17

SUB 2000-17 - PLAT OF ANGEL FIRE ADDITION LOCATED ON THE NORTH SIDE OF 47TH STREET SOUTH, EAST SIDE OF WEST STREET. (District IV)

Agenda Report No. 00-1136.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This plat was recently annexed into the City.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-00-402

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89517 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-403

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89518 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-404

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89519 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. R-00-405

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system Number 448-89520 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-406

Resolution of findings of advisability and Resolution authorizing construction of Lateral 463, Southwest Interceptor Sewer 468-83182 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-407

Resolution of findings of advisability and Resolution authorizing construction of Lateral 464, Southwest Interceptor Sewer 468-83183 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-408

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 543 468-83184 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight

RESOLUTION NO. R-00-409

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 546 468-82'84 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-00-410

Resolution of findings of advisability and Resolution authorizing improving of Leonine from the south line of the plat, north and east to the east line of Lot 5, Block b; on 45th Street South from the east line of Lot 5, Block b, west to the north line of Lot 29, Block C; on Angel from the northeast line of Lot 29, Block C, south and west to the west line of Lot 38, Block C; on Angel from the east line of Leonine east to the east line of the plat; and on Kessler from the south line of the plat to the north line of Lot 42, Block C, Leonine Court (Lots 1-5, Block C) from the west line of Leonine, west to an including the cul-de-sac; on Leonine Court (Lots 4-10, Block A) from the south line of Leonine, south to and including the cul-de-sac; on 45th Street South Court (Lots 21-27, Block C) from the south line of 45th Street South, south to and including the cul-de-sac; on Angel Court (Lots 33-38, Block C) from the south line of Angel, south to and including the cul-de-sac; on Kessler Court (Lots 42-49, Block C) from the east line of Kessler, east to and including the cul-de-sac; that sidewalk be constructed along the west side of Leonine from the south line of the plat north and east to the east line of Lot 5, Block B; 45th Street South from the east line of Lot 5, Block B, west to the north line of Lot 29, Block C; Angel from the northeast line of Lot 29, Block C south and west to the west line of Lot 38, Block C; Angel from the east line of Leonine east to the east line of the plat; Kessler from the south line of the plat to the north line of Lot 42, Block C 472-83292 (north of 47th Street South, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

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ZON2000-00043

ZON2000-00043 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL, LOCATED SOUTH OF MAPLE, WEST OF AUBURN HILLS CLUBHOUSE ADDITION.

Agenda Report No. 00-1137.

MAPC Recommendation: Approve, subject to platting within 1 year. (11-0-1)
Staff Recommendation: Approve, subject to platting within 1 year.
D.A.B. Recommendation: DAB-V Recommendations to be provided.

The applicant is requesting approval of the “TF-3” Two-Family Residential zoning district in order to construct two-family units on 6.4 acres of unplatted property currently zoned “SF-6” Single-Family Residential. The application area is part of a 36.6-acre tract of land located west of 135th Street West, south of Maple Street and west of the Auburn Hills Clubhouse Addition. The land to the north is vacant land; to the east and south is the Auburn Hills Golf Course. Single-family residences are located to the west. There are 134 single-family lots plus 19 duplex lots (38 dwelling units) proposed for the 36.6-acre tract of land. The overall density for the entire development, including the duplexes, will be 4.2 dwelling units per acre.

The applicant intends to build 12 two-family units along the eastern edge of the property that will abut the golf course. Additionally, there will be seven more two-family units that will be located just west of the 12 two-family units. The seven proposed duplexes will be located next to a row of single-family homes within the development. This row of single-family homes will serve as a buffer to the residential area to the west. Access to the property will be from the north along Maple and Decker Streets, from the west along Valley Hi Road and from the south along One Wood Drive (per the pending plat).

There was one citizen who addressed the MAPC regarding this request. This citizen lives in the subdivision to the west of the application area. He neither spoke in favor or opposition but simply wanted additional information.

The MAPC voted 11-0-1 (McKay abstained) to recommend approval subject to MAPD staff comments.

The District Advisory Board for District V will consider this request on the evening of November 6, 2000. A summary memorandum will be provided to the City Council prior to the meeting on November 7, 2000.

Motion --
-- carried

Knight moved that the Council concur with the findings of the MAPC; approve the zone change, subject to the condition of platting within one year; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Rogers absent)

ZON2000-00045

ZON2000-00045 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, LOCATED APPROXIMATELY 875 FEET SOUTH OF CENTRAL ON THE WEST SIDE OF TYLER ROAD.

Agenda Report No. 00-1138.

MAPC Recommendation: Approve, subject to platting within 1 year (12-0).
Staff Recommendation: Approve, subject to platting.

The applicant requests a zone change from “SF-6” Single-Family to “LC” Limited Commercial on a 0.41 acre unplatted tract located approximately 875 feet south of Central on the west side of Tyler. The subject property is currently developed with a single-family residence. The applicant proposes to redevelop the site for commercial use.

The surrounding area is characterized by commercial and multi-family residential uses with two single-family residences (other than the subject property) remaining in the area (one north and one south of the subject property). With the exception of these single-family residences (which are zoned “SF-6” Single-Family), all of the property surrounding the site is zoned “LC” Limited Commercial. The property immediately west of the site is developed with apartments. The properties north of the site are developed with vehicle repair, retail, restaurant, and bank uses. The properties east of the site across Tyler are developed restaurant, self-storage warehouse, retail, bank, office, and car wash uses. The properties south of the site are developed with multi-family and retail uses.

The site has access to Tyler, a four-lane arterial street with 1997 traffic volumes of approximately 18,500 vehicles per day. The 2030 Transportation Plan estimates that the traffic volume on Tyler will increase to approximately 22,800 vehicles per day. The City’s Capital Improvement Program includes a project to widen Tyler to five lanes from Maple to Central in 2007. Given the high traffic volumes on Tyler and the corresponding need to add a center

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turn lane in the future, planning staff will recommend the following conditions at the time of platting: limiting access to Tyler to the north end of the subject property; lining-up this opening with the opening across Tyler to the east; permitting cross-lot access to this opening to the property to the north if it develops with a non-residential use; and providing 50 feet of half-street right-of-way for Tyler. Public water and sewer currently serve the site.

At the hearing on October 19, 2000, the MAPC voted (12-0) to approve the request. There were no speakers, other than the applicant, for or against the request.

Motion --

Knight moved that the Council concur with the findings of the MAPC; approve the zone change, subject to the condition of platting within one year; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Rogers absent)

-- carried

EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice; preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to the business affairs or trade secrets of a business; and that the Council return from executive no earlier than 10:00 a.m. Motion carried 6 to 0. (Rogers absent)

-- carried

RECESS

The City Council recessed at 9:35 a.m. and returned at 10:02 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

RECESS

The City Council recessed at 10:12 a.m. and reconvened at 7:00 p.m.

Wichita, Kansas, November 14, 2000

Tuesday, 7:00 p.m.

The City Council met in recessed session at the Sedgwick County Extension Center, 7001 West 21st Street North, 7:00 p.m. Mayor Knight in the Chair. Council Members Gale, Lambke, Martz; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

A 00-15

A 00-15 – ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH OF 21ST STREET NORTH, EAST AND WEST OF HOOVER. (District V)

Dave Barber

Planning Department reviewed the Item.

Agenda Report No. 00-1118.

On September 12, 2000, the City Council adopted a resolution that established November 14, 2000, at 7:00 p.m. at the Sedgwick County Extension Center, 7001 West 21st Street North, Wichita, Kansas as the date, time and place for a public hearing for this annexation. The properties proposed for annexation are located north of 21st Street North and east and west of Hoover.

The subject area for this second phase consists of approximately 135 acres and 43 properties (3 platted and 40 unplatted). The land-use pattern consists of 34 residential tracts, five (5) commercial tracts, and four (4) vacant tracts. The land use pattern of the area proposed for annexation is a mix of residential uses, agricultural uses, with some commercial and industrial uses concentrated along Hoover Road. The majority of the subject property is zoned "SF-20" Single-Family Residential, with several areas zoned "LC" Limited Commercial and "LI" Limited Industrial (see Attachment No. 3 - Maps #3 and #4). Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body), while other properties will retain their existing zoning.

The majority of the land proposed for annexation is located within the area identified as "low-density residential", with some "commercial" and "industrial" areas intermixed, according to the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map, which has been approved by the Metropolitan Area Planning Commission and the Wichita City Council. Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

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An informational meeting regarding the proposed annexation was held on October 10, 2000 at the Sedgwick County Extension Center, 7001 West 21st Street North Fourteen (14) property owners and interested citizens attended the meeting and asked numerous questions regarding the proposed annexation.

In accordance with Kansas Statutes, a Service Extension Plan was prepared for this unilateral annexation. The Plan describes the means by which City services will be extended to the area. Map No. 2B in the Plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements proposed for annexation is \$1,757,660 resulting in an annual City Ad Valorem tax revenue of approximately \$7,271.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on September 21, 2000. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a vote of ten to zero (10-0).

In conducting the public hearing, Kansas Statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Kenneth Mills	Kenneth Mills inquired regarding the annexation of one house and the Riverside Airport, the effective dates of phases of annexation, and street lights.
Dave Barber	Planning Department explained that the house in question had been annexed, the airport was not eligible under unilateral annexation rules, and that each phase of annexation would become effective upon publication of the Ordinance.
Steve Lackey	Director of Public Works said street lights are usually done one street at a time. It is beneficial to call the Public Works Department to let them know whether or not street lights are desired.
John Feaster	John Feaster, owner of an over 40-acre piece of land, asked why his agricultural land was being annexed.
Dave Barber	Planning Department said the property was eligible as it was not listed as being for agricultural use.
Motion -- -- carried	Knight moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 00-15

ADJOURNMENT The City Council meeting adjourned at 7:20 p.m.

Pat Burnett CMC
City Clerk